

CROSS REFERENCES

Jurisdiction of offenses, see section 3241 of this title.

§ 757. Prisoners of war or enemy aliens.

Whoever procures the escape of any prisoner of war held by the United States or any of its allies, or the escape of any person apprehended or interned as an enemy alien by the United States or any of its allies, or advises, connives at, aids, or assists in such escape, or aids, relieves, transports, harbors, conceals, shelters, protects, holds correspondence with, gives intelligence to, or otherwise assists any such prisoner of war or enemy alien, after his escape from custody, knowing him to be such prisoner of war or enemy alien, or attempts to commit or conspires to commit any of the above acts, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

The provisions of this section shall be in addition to and not in substitution for any other provision of law. (June 25, 1948, ch. 645, § 1, 62 Stat. 735, eff. Sept. 1, 1948.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., § 97b (Apr. 30, 1945, ch. 103, 59 Stat. 101).

The second sentence of section 97b of title 18, U. S. C., 1940 ed., was made a separate paragraph.

Chapter 37.—ESPIONAGE AND CENSORSHIP

Sec.

- 791. Scope of chapter.
- 792. Harboring or concealing persons.
- 793. Gathering, transmitting or losing defense information.
- 794. Gathering or delivering defense information to aid foreign government.
- 795. Photographing and sketching defense installations.
- 796. Use of aircraft for photographing defense installations.
- 797. Publication and sale of photographs of defense installations.

§ 791. Scope of chapter.

This chapter shall apply within the admiralty and maritime jurisdiction of the United States and on the high seas, as well as within the United States. (June 25, 1948, ch. 645, § 1, 62 Stat. 736, eff. Sept. 1, 1948.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on sections 37, 40, and 45d of title 50, U. S. C., 1940 ed., War and National Defense (June 15, 1917, ch. 30, title I, § 8, title XIII, § 1, 40 Stat. 219, 231; Jan. 12, 1938, ch. 2, § 5, 52 Stat. 4).

Section consolidates sections 37, 40, and 45d of title 50, U. S. C., 1940 ed., War and National Defense, with necessary minor omissions and changes in phraseology.

Provisions of this section are also incorporated in section 2388 of this title.

§ 792. Harboring or concealing persons.

Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under sections 793 or 794 of this title, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 736, eff. Sept. 1, 1948.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on section 35 of title 50, U. S. C., 1940 ed., War and National Defense (June 15, 1917, ch.

30, title I, § 5, 40 Stat. 219; Mar. 28, 1940, ch. 72, § 2, 54 Stat. 79).

Similar harboring and concealing language was added to section 2388 of this title.

Mandatory punishment provision was rephrased in the alternative. (See reviser's note under section 201 of this title.)

CROSS REFERENCES

Harboring and concealing, generally, see section 1071 et seq. of this title.

Jurisdiction of offenses, see section 3241 of this title.

§ 793. Gathering, transmitting or losing defense information.

Whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, fueling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, or other place connected with the national defense, owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers, departments or agencies, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored, under any contract or agreement with the United States, or any department or agency thereof, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any other prohibited place so designated by the President by proclamation in time of war or in case of national emergency in which anything for the use of the Army or Navy is being prepared or constructed or stored, information as to which the President has determined would be prejudicial to the national defense; or

Whoever, for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts, to copy, take, make, or obtain, any sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or

Whoever, for the purpose aforesaid, receives or obtains or agrees or attempts to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts to receive or obtain it, that it has been or will be obtained, taken, made or disposed of by any person contrary to the provisions of this chapter; or

Whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue-

print, plan, map, model, instrument, appliance, or note relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or

Whoever, being intrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, note, or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed—

Shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 736, eff. Sept. 1, 1948.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on sections 31 and 36 of title 50, U. S. C., 1940 ed., War and National Defense (June 15, 1917, ch. 30, title I, §§ 1, 6, 40 Stat. 217, 219; Mar. 28, 1940, ch. 72, § 1, 54 Stat. 79).

Section consolidated sections 31 and 36 of title 50, U. S. C., 1940 ed., War and National Defense.

Words "departments or agencies" were inserted twice in conformity with definitive section 6 of this title to eliminate any possible ambiguity as to scope of section.

The words "or induces or aids another" were omitted wherever occurring as unnecessary in view of definition of "principal" in section 2 of this title.

Mandatory punishment provision was rephrased in the alternative. (See reviser's note under section 201 of this title.)

Minor changes were made in phraseology.

CROSS REFERENCES

Jurisdiction of offenses, see section 3241 of this title.

§ 794. Gathering or delivering defense information to aid foreign government.

(a) Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be imprisoned not more than twenty years.

(b) Whoever violates subsection (a) in time of war shall be punished by death or by imprisonment for not more than thirty years.

(c) Whoever, in time of war, with intent that the same shall be communicated to the enemy, collects, records, publishes, or communicates, or attempts to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works

or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for not more than thirty years.

(d) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy. (June 25, 1948, ch. 645, § 1, 62 Stat. 737, eff. Sept. 1, 1948.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on sections 32 and 34 of title 50, U. S. C., 1940 ed., War and National Defense (June 15, 1917, ch. 30, title I, §§ 2, 4, 40 Stat. 218, 219).

Section consolidates sections 32 and 34 of title 50, U. S. C., 1940 ed., War and National Defense.

The words "or induces or aids another" were omitted as unnecessary in view of definition of "principal" in section 2 of this title.

The conspiracy provision of said section 34 was also incorporated in section 2388 of this title.

Minor changes were made in phraseology.

CROSS REFERENCES

Jurisdiction of offenses, see section 3241 of this title.

§ 795. Photographing and sketching defense installations.

(a) Whenever, in the interests of national defense, the President defines certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installations or equipment without first obtaining permission of the commanding officer of the military or naval post, camp, or station, or naval vessels, military and naval aircraft, and any separate military or naval command concerned, or higher authority, and promptly submitting the product obtained to such commanding officer or higher authority for censorship or such other action as he may deem necessary.

(b) Whoever violates this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 737, eff. Sept. 1, 1948.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on sections 45 and 45c of title 50, U. S. C., 1940 ed., War and National Defense (Jan. 12, 1938, ch. 2, §§ 1, 4, 52 Stat. 3, 4).

Section consolidated sections 45 and 45c of title 50, U. S. C., 1940 ed., War and National Defense.

Minor changes were made in phraseology.

§ 796. Use of aircraft for photographing defense installations.

Whoever uses or permits the use of an aircraft or any contrivance used, or designed for navigation or flight in the air, for the purpose of making a photograph, sketch, picture, drawing, map, or graphical representation of vital military or naval installations or equipment, in violation of section 795 of this title, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 738, eff. Sept. 1, 1948.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on sections 45, 45a, and 45c of title 50, U. S. C., 1940 ed., War and National Defense (Jan. 12, 1938, ch. 2, §§ 1, 2, 4, 52 Stat. 3, 4).

Reference to persons causing or procuring was omitted as unnecessary in view of definition of "principal" in section 2 of this title.

Punishment provided by section 795 of this title is repeated, and is from said section 45 of title 50, U. S. C., 1940 ed.

Minor changes were made in phraseology.

§ 797. Publication and sale of photographs of defense installations.

On and after thirty days from the date upon which the President defines any vital military or naval installation or equipment as being within the category contemplated under section 795 of this title, whoever reproduces, publishes, sells, or gives away any photograph, sketch, picture, drawing, map, or graphical representation of the vital military or naval installations or equipment so defined, without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, unless such photograph, sketch, picture, drawing, map, or graphical representation has clearly indicated thereon that it has been censored by the proper military or naval authority, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 738, eff. Sept. 1, 1948.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on sections 45 and 45b, of title 50, U. S. C., 1940 ed., War and National Defense (Jan. 12, 1938, ch. 2, §§ 1, 3, 52 Stat. 3).

Punishment provision of section 45 of title 50, U. S. C., 1940 ed., War and National Defense, is repeated. Words "upon conviction" were deleted as surplusage since punishment cannot be imposed until a conviction is secured.

Minor changes were made in phraseology.

Chapter 39.—EXPLOSIVES AND COMBUSTIBLES

Sec.

831. Definitions.

832. Transportation of dynamite, powder and fuses.

833. Transportation of nitroglycerin.

834. Marking packages containing explosives.

835. Regulations by Interstate Commerce Commission.

§ 831. Definitions.

As used in this chapter—

"Detonating fuzes" means fuzes used in naval or military service to detonate the high-explosive bursting charges of projectiles, mines, bombs, or torpedoes;

"Fuzes" means devices used in igniting the bursting charges of projectiles;

"Primers" means devices used in igniting the propelling powder charges of ammunition;

"Fuses" means the slow-burning fuses used commercially to convey fire to an explosive combustible mass slowly or without danger to the person lighting same;

"Fusees" means the fusees ordinarily used on steamboats and railroads as night signals. (June 25, 1948, ch. 645, § 1, 62 Stat. 738, eff. Sept. 1, 1948.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., § 382 (Mar. 4, 1909, ch. 321, § 232, 35 Stat. 1134; Mar. 4, 1921,

ch. 172, 41 Stat. 1444; Oct. 9, 1940, ch. 777, § 6 (a), 54 Stat. 1028).

Minor changes in phraseology were made.

§ 832. Transportation of dynamite, powder and fuses.

Whoever knowingly transports, carries, or conveys within the limits of the jurisdiction of the United States, any high explosive, such as and including, dynamite, blasting caps, detonating fuzes, black powder, gunpowder, or other like explosive, on any car or vehicle of any description operated in the transportation of passengers by a common carrier engaged in interstate or foreign commerce, which car or vehicle is carrying passengers for hire, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and, if the death or bodily injury of any person results from a violation of this section, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

However, under this section, it shall be lawful to transport on any such car or vehicle, smokeless powder, primers, fuses, not including detonating fuzes, fireworks, or other similar explosives, and properly packed and marked samples of explosives for laboratory examination, not exceeding a net weight of one-half pound each, and not exceeding twenty samples at one time in a single car or vehicle; but such explosives shall not be carried in that part of a car or vehicle which is being used for the transportation of passengers for hire. Also, it shall be lawful to transport on any such car or vehicle small-arms ammunition in any quantity, and such fusees, torpedoes, rockets, or other signal devices as may be essential to promote safety in operation. This section shall not prevent the transportation of military or naval forces with their accompanying munitions of war on passenger-equipment cars or vehicles. (June 25, 1948, ch. 645, § 1, 62 Stat. 738, eff. Sept. 1, 1948.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., §§ 382, 385, and 386 (Mar. 4, 1909, ch. 321, §§ 232, 235, and 236, 35 Stat. 1134–1136; Mar. 4, 1921, ch. 172, 41 Stat. 1445; Oct. 9, 1940, ch. 777, § 6 (a), (c), 54 Stat. 1028).

Reference to persons causing or procuring was omitted as unnecessary in view of definition of "principal" in section 2 of this title.

Section consolidates last sentence of said section 385 with said section 386 of title 18, U. S. C., 1940 ed.

The punishment provision for the lesser offense, not involving death or bodily injury, was reduced from \$2,000 fine or 18 months' imprisonment, or both, to \$1,000 fine or 1-year imprisonment, or both, so as to render the punishment more in consonance with the offense defined and with other sections in this title which define comparable misdemeanors. The former provision for maximum imprisonment of 18 months, with the consequent requirement for prosecution by indictment and the stigma of commission of a felony upon conviction, appeared out of all proportion to the gravity of the offense.

Changes were made in phraseology and arrangement.

CROSS REFERENCES

Carrying explosives on board vessel, see section 2277 of this title.

Carrying explosives on passenger vessels, see section 170 of Title 46, Shipping.

§ 833. Transportation of nitroglycerin.

Whoever knowingly transports, carries, or conveys within the jurisdiction of the United States,